

REMARKS

I. Status of the Application

Claims 1-9, 11-18, and 24-29 of the Application were pending as of the date of the Office Action. In the Office Action, the Examiner:

- (a) rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; and,
- (b) rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,953,707 to Huang et al. ("Huang").

In this response, Applicants respectfully amend claims 1, 11, 13, and 24 and cancel claim 12. Claims 2-9, 14-18, and 25-29 also remain in the Application but are not amended. Applicants respectfully submit that the foregoing amendments and following remarks incorporated herein traverse or overcome the Examiner's rejections to the Application.

II. Interview Summary

On October 6, 2006, the undersigned had a teleconference with the Examiner regarding the patentability of the subject matter of the Application and the differences between the claims of the Application and Huang. With respect to the patentability of the subject matter of the Application, the Examiner discussed that a "purpose" for processing the project data should be added to the independent claims of the Application. In addition, and with respect to the anticipation rejection, the Examiner stated that the claims do not define the term "methodology," and that Applicants should clarify the use of the term "methodology" as it pertains to the claims and as is referenced within the specification.

While no formal agreement regarding patentability was reached, the Examiner requested that these arguments be submitted in writing for further consideration. Applicants respectfully submit that the remarks embodied herein with respect to this interview summary overcome the Examiner's rejections to the Application.

III. Applicants' Remarks Do Not Constitute New Matter

Applicants respectfully submit that no new matter has been added by amending claims 1, 11, 13, and 24. Specifically, the amendments to claims 1, 11, 13, and 24 were made to point out and distinctly claim the subject matter of those claims by incorporating a "purpose" for processing, evaluating, and/or controlling project data. Claims 1, 11, 13, and 24 were also amended to clarify the use of the term "methodology" as present within the claims and as is referenced within the specification. In addition, claim 11 was amended to incorporate the limitation of claim 12, which cancelled claim 12 as a result.

Applicants respectfully submit that the amendments are supported by the originally filed Application and do not add new matter. Specifically, support for the amendments are found in paragraph 0241 (in relevant part):

Generally, "Methodologies" are templates created by the quality director and used on projects. A methodology template describes the phases or milestones (quality gates) and goals (document deliverables, tasks, data, etc.) that are expected at those quality gates. A methodology governs the project to ensure that the correct process(es) is (are) followed to establish the manufacturing capability to reliably produce parts of a given quality to a given set of specifications.

Accordingly, Applicants respectfully request that the amendments be entered and that claims 1-9, 11, 13-18, and 24-29 of the Application proceed to allowance.

IV. The Rejection of Claims 1-9, 11-18, and 24-29 Under 35 U.S.C. § 101 as Allegedly Being Directed to Non-Statutory Subject Matter Should be Withdrawn

In the Office Action, the Examiner rejected claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. "Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title." 35 U.S.C. § 101.

During the October 6, 2006 teleconference between the Examiner and the undersigned, the Examiner discussed that a "purpose" for processing the project data should be added to the independent claims of the Application. It was discussed that in claim 1, for example, Applicants claim a system comprising in part a "means for processing project data" and a "means for storing and retrieving the project data," and that a "purpose" for processing the project data should be added to the claim to clarify the subject matter referenced therein and to satisfy the Examiner's concern with regards to patentable subject matter.

Applicants respectfully submit that in response to this suggestion by the Examiner, Applicants have amended claim 1 to incorporate the limitation that the means for processing project data is "to compare data entered by a user to the at least one methodology to ensure that correct process(es) is (are) followed to establish a manufacturing capability to reliably produce parts of a given quality to a given set of specifications." As previously discussed herein, support within the specification is found at paragraph 0241. Applicants respectfully submit that the same or a similar amendment, as made in claim 1, is also made to the remaining independent claims 11, 13, and 24 of the Application.

Accordingly, Applicants respectfully submit that the rejection of claims 1-9, 11-18, and 24-29 under 35 U.S.C. § 101 is overcome and should be withdrawn because claims 1-9, 11, 13-18, and 24-29, as currently amended and/or presented herein, are within the scope of patentable subject matter under the patent laws of the United States.

V. The Rejection of Claims 1-9, 11-18, and 25-29 under 35 U.S.C. §102(e) as Being Anticipated by Huang Should Be Withdrawn

In the Office Action, the Examiner rejected claims 1-9, 11-18 and 24-29 under 35 U.S.C. § 102(e) as allegedly being anticipated by Huang. A rejection under 35 U.S.C. § 102(e) can be overcome by showing that the prior art does not disclose all the limitations of the claims or amending the claims to patentably distinguish over the prior art. MPEP §706.02(b).

During the October 6, 2006 teleconference between the Examiner and the undersigned, the Examiner discussed that the claims do not define the term "methodology" and that Applicants should clarify the use of the term "methodology" as it pertains to the claims. Applicants respectfully submit that it was acknowledged by the Examiner that Huang does not disclose "at least one methodology applicable to the project" as claimed in the Application, and that Applicants, when using the term "methodology," in the claims, should clarify the use of the term so to clearly distinguish the subject matter of the Application with the subject matter disclosed in Huang.

Applicants respectfully submit that in response to this suggestion by the Examiner, Applicants have amended claim 1 to clarify that "at least one methodology applicable to the project" is "indicative of at least one requirement" as referenced within the specification. As previously discussed herein, support within the specification is found at paragraph 0241.

Applicants respectfully submit that the same or a similar amendment as made in claim 1 is also made to the remaining independent claims 11, 13, and 24 of the Application.

In addition to the foregoing, Applicants have further amended claim 11 to incorporate the limitations of claim 12. Claim 12, as previously presented, included in part the limitation that "one of the at least one requirements comprises a methodology" which was not present in claim 11 prior to its amendment. Applicants respectfully submit that as the Examiner has acknowledged that Huang does not disclose "at least one methodology applicable to the project" as claimed in the Application, Applicants amended claim 11 to incorporate the "methodology" limitation as previously present in claim 12, thus canceling claim 12 from the Application.

In summary, Huang does not disclose "at least one methodology applicable to the project" and Applicants have amended claims 1, 11, 13, and 24 to clarify their use of this claim element. Accordingly, Applicants respectfully submit that claims 1, 11, 13, and 24 are patentable as amended, and Applicants respectfully request that the rejection of claims 1, 11, 13, and 24 under 35 U.S.C. § 102(e) as allegedly being anticipated by Huang are overcome and should be withdrawn.

In addition, claims 2-9 depend from and include all the limitations of claim 1, claims 14-18 depend from and include all the limitations of claim 13, and claims 25-29 depend from and include all the limitations of claim 24. As discussed above, claims 1, 11, 13, and 24 are believed to be allowed as patentable over Huang. Therefore, it is respectfully submitted that claims 2-9, 14-18, and 25-29 are also allowable, and Applicants respectfully request that the rejection of

claims 2-9, 14-18, and 25-29 as allegedly being anticipated by Huang are overcome and should be withdrawn.

VI. Request for Continued Examination

Applicants also request continued examination by submitting a Request for Continued Examination transmittal form, this response and requesting that the \$790.00 filing fee be satisfied by charging deposit account 09-0007. When doing so, please reference the above-listed docket number.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that claims 1-9, 11, 13-18, and 24-29 are allowable claims. Allowance of this Application is therefore respectfully requested. In the event Applicants have inadvertently overlooked the need for payment of any additional fees or extensions of time, Applicants conditionally petition therefor, and authorize any deficiency to be charged to deposit account 09-0007. When doing so, please reference the above-listed docket number.

Respectfully submitted,

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Attachments: RCE Transmittal Form